

**TOWNSHIP COMMITTEE
NOVEMBER 10, 2014 MINUTES**

The Tewksbury Township Committee met in a regular session on the above date at the Municipal Building, Mountainville, NJ.

The meeting was called to order at 7:30 PM, roll call held and a quorum established. Mayor Shaun Van Doren presided.

Other officials in attendance were Township Committee members Dana Desiderio, Louis DiMare, Peter Melick and William Voyce.

Jesse Landon, Township Administrator and Michael Selvaggi, Township Attorney were in attendance.

There were no members of the public in attendance.

1. Open Public Meetings Statement

The Open Public Meetings Statement was read by Mayor Van Doren.

2. Flag Salute

Those present stood and pledged allegiance to the American flag.

3. Public Participation

There were no comments heard from the public.

4. Actions to be taken

• Ordinance Public Hearing

○ **Ordinance #08-2014**

Amending Tree Ordinance

Mr. DiMare made a motion to open the public hearing on Ordinance #08-2014, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Mr. Landon provided proof of publication from the 10/31/14 Courier News.

There being no comments from the public, Mr. Melick moved to close the public hearing on Ordinance #08-2014, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

Ms. Desiderio moved adoption of Ordinance #08-2014, seconded by Mr. Melick. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

ORDINANCE 08-2014

ORDINANCE AMENDING CHAPTER 16, SECTION 20, "TREE CLEARING AND REMOVAL," OF THE CODE OF THE TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO REVISE THE TREE REMOVAL REGULATIONS.

**TOWNSHIP COMMITTEE
NOVEMBER 10, 2014 MINUTES**

WHEREAS, the Chapter 16.20 of the Code of the Township of Tewksbury currently regulated the clearing and removal of trees within the municipality; however, this code section, in its current form, has been deemed by some residents as complicated and confusing; and

WHEREAS, despite the aforesaid, the Township Committee of the Township of Tewksbury believes that this section of its Code is still important as it is intended to prevent clear cutting and other tree removal that if not properly controlled could increase soil erosion, stream pollution and generally deteriorate the value of neighboring properties; and

WHEREAS, the Township Committee of the Township of Tewksbury wishes to amend Section 20, "Tree Removal and Clearing" thereby rendering it simpler for residents to understand and follow.

NOW THEREFORE IT BE ORDAINED by the Township Committee of the Township of Tewksbury that Chapter 16, Development Code," Section 20, "Tree Removal and Clearing," of the Code of the Township of Tewksbury, County of Hunterdon, State of New Jersey shall be deleted in its entirety and replaced with the following:

Section 1:

**Chapter 16.20
TREE CLEARING AND REMOVAL**

16.20.010 - Findings; purpose.

The Township Committee does herein decide and find that the uncontrolled destruction, removal and cutting of trees upon lots and tracts within the Township can result in increased municipal costs for drainage control and can increase soil erosion and stream pollution, decrease the fertility of soil, increase dust which will have a deleterious impact on property values and can further render land unfit and unsuitable for its most appropriate uses and has caused deterioration in the value of improved and unimproved real estate within the Township with a resulting adverse effect upon the health, safety and general well-being of the inhabitants. The aforesaid findings have caused the passage of this chapter to regulate and control the indiscriminate and excessive cutting of trees in the Township.

16.20.020 - Definitions.

As used in this chapter:

"Enforcement officer" shall mean the Tewksbury Township Zoning Officer or designee.

"Garden center" shall mean a retail business of which the principal sales are garden and landscaping related products.

"Nursery" shall mean a tree farm and/or wholesale grower of deciduous and/or evergreen trees.

**TOWNSHIP COMMITTEE
NOVEMBER 10, 2014 MINUTES**

"Person" shall mean an individual, partnership, corporation, firm, association or any other entity recognized by law.

"Remove" shall mean to destroy, cut, chop, displace and shall also mean to perform any act of tree pruning or thinning, equipment operation, soil compaction or materials storage, soil removal or paving that results in tree destruction.

"Tree" shall mean any living deciduous tree having a trunk of a diameter greater than four inches, measured at a point 4 1/2 feet above the ground, or any living coniferous tree having a trunk of a diameter greater than four inches, measured at a point 4 1/2 feet above the ground, or a height greater than six feet. Nothing in this chapter is intended to conflict with or supersede the provisions of the Soil Erosion and Sediment Control Act of the State of New Jersey, Chapter 251 of the Public Laws of New Jersey. See N.J.S.A. 4:24-39 et seq.

16.20.030 - Unique and irreplaceable trees; tree in historic district.

A. Unique and irreplaceable trees. No person shall cut, remove or destroy upon any lands within the Township any tree considered to be unique and irreplaceable by reason of age, historical associations, or botanical rarity as determined by the Township Enforcement Official.

B. Trees in historic district. The goal is to preserve many large trees in the historic districts in order to retain the established character which they contribute to these areas. Property owners must obtain prior written approval from the Township's Historical Preservation Commission before any trees can be removed from properties located with the Historic Preservation District. Depending on the number and size of the tree removal proposed, the Historical Preservation Commission may require the property owner to submit a landscaping plan to providing for the number and species of replacement trees required.

16.20.040 - Prohibited activities.

No person shall cut or remove any tree upon any lands within the Township, unless such action accomplishes a useful purpose and is done in accordance with the regulations and provisions of this chapter.

16.20.050 - Exemptions.

Excepted from this chapter shall be:

- A. Any tree located on a tract or parcel of land 1 1/2 acres or less in size on which a residential dwelling is located.
- B. Any tree growing on property actually being used as a nursery, garden center, or orchard.
- C. Any tree growing in a public right-of-way, private right-of-way, drainage or utility easement, as designated on the Tewksbury Township Tax Map.
- D. Any tree located on a tract or parcel of land in excess of 1 1/2 acres, to be cut for personal use as firewood by the owner of such property. Not more than five trees

**TOWNSHIP COMMITTEE
NOVEMBER 10, 2014 MINUTES**

per acre shall be cut in any one year, and in no case shall more than 30% of the total number of trees located on such property be removed.

- E. Any tree dead or diseased as a result of natural causes, or other tree that is likely to endanger life or property.
- F. The removal or clearing is on property subject to an approved woodland management program pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq. or on property actively operated as a farm under the State's Right To Farm Act, which is removed to create fields for crops or pasture, or to construct a farm building.
- G. Any tree located on or within 20 feet of a proposed residential structure, its well, septic system or other accessory structures.
- H. Any tree located within 10 feet of the planned paved areas of a residential driveway, provided that the alignment of the driveway is planned to save as many trees as possible.
- I. The tree is required to be cut or removed in order to install or maintain public utilities (such as electricity, telephone, water or sewer lines).
- J. The trees to be removed are in accordance with a subdivision or site plan finally approved by the township land use board.
- K. Any trees located on township-owned property.

16.20.060 - Permit required.

- A. Application. Any person desiring to destroy, cut or remove any such tree which is not excepted under terms of Section 16.20.050 shall apply to the Township Enforcement Officer for a permit to remove such tree.

- B. Information.
 - (1) The applicant shall identify by block and lot the land upon which the tree is located and shall disclose the name and address of the owner, tenant or duly authorized agent of such owner or tenant, and the applicant shall also identify the species and generally designate the location of the tree sought to be cut, removed or destroyed.

 - (2) A tree removal permit, if required, shall be obtained prior to the approval of all minor and major subdivisions, site plans, building applications and certificates of occupancy on a map which shall include the following:
 - (a) Area of tract or parcel of land.
 - (b) General location of wooded areas and trees to be removed.
 - (c) Exact location of rare or historic trees as required by the Township enforcement officer.
 - (d) General topographic conditions of site as derived from USGS map of the Tewksbury area.

**TOWNSHIP COMMITTEE
NOVEMBER 10, 2014 MINUTES**

- C. Fees. All applications shall be accompanied by the proper fee as set forth in Section 16.20.70. No application shall be deemed complete until all fees are paid in full.

16.20.070 - Permit application fee.

Upon application for a permit, the applicant shall pay to the Township the following fees:

- A. For any application consisting of five acres or less: \$25.
- B. For each additional acre: \$5.
- C. There is no maximum permit fee.

16.20.080 - Criteria for determination of permitted tree removal.

As a basis for determining permitted tree removal, the duly appointed officer shall give due consideration to the following:

- A. For purposes other than commercial lumbering. The lands covered by each application shall be inspected by the Township Enforcement Officer who shall issue a permit upon a finding that the destruction or removal to be permitted would not impair the growth and development of the remaining trees on the applicant's property or adjacent properties, would not cause soil erosion, would not impair existing drainage patterns, would not lessen property values in the neighborhood and would not impair substantially the aesthetic values of the area. The Township Enforcement Officer shall have the authority to affix reasonable conditions to the approval of a permit required by this chapter.
- B. For the purposes of commercial lumbering in accordance with the following restrictions:
 - (1) The lumbering company or individual owner of the property in question shall file with the duly appointed officer a forest management plan approved by the New Jersey Department of Environmental Protection, Bureau of Forestry, or other professional forester. Such plan shall be subject to the approval of or disapproval of the Township Enforcement Officer. Any deviation taken from this plan shall be considered a violation of this chapter.
 - (2) In no case shall more than 30% of the total number of trees be removed from the entire tract.

16.20.090 - Time period to approve or deny application.

The enforcement officer shall act upon a complete application for tree removal or clearing within ten (10) business days, unless the applicant has consented to an extension of such time period. Failure of the enforcement officer to act within this time period shall not constitute an automatic approval; however, the applicant may contact the Township Administrator who shall act, or cause the enforcement officer, on the application within 5 business days. Failure to act within this time period shall be deemed an automatic approval.

**TOWNSHIP COMMITTEE
NOVEMBER 10, 2014 MINUTES**

16.20.100 - Replacement of non-exempt trees and reforestation required.

Any person who removes any non-exempt tree without having first obtained a permit or does so in violation of any condition of such a permit, shall replace the removed tree(s) on the property at a one-to-one ratio. As an example, if a thirty (30) inch caliper public tree is removed, trees having a combined diameter of thirty (30) inches shall be planted in its place. All new trees planted shall be in accordance with Sections 630 B.2 and 3 of the Tewksbury Township Development Regulations Ordinance (2000) or successor ordinance. In the event such replacement or restoration cannot reasonably be accomplished on the property where the removal or clearing occurred, with the approval of the enforcement officer, the person who effected the removal or clearing without a permit or in violation of any condition of the permit may deposit a sum equivalent to the value of the replacement trees required hereunder and the cost of their planting as determined by the enforcement officer, using the wholesale prices of a local nursery as multiplied by a factor of two and one-half (2½), in an account maintained and used by the township for purpose of tree planting and reforestation. The township may institute a civil action to compel replacement, as herein provided, if the person who effected the tree removal or clearing does not complete the herein-required tree replacement or make the herein described money deposit.

16.20.110 - Issuance of construction permit.

Whenever a construction permit is requested for a structure which will require the removal of trees as herein protected, the enforcement officer shall decline to issue local clearance for the construction official to issue any such construction permit until a tree removal permit, where required, is applied for and issued. The construction official shall not issue a construction permit or certificate of occupancy for any building on any site, parcel or tract for which there is an outstanding complaint pursuant to this chapter.

16.20.120 - Appeal of enforcement officer's decision

The applicant shall have the right to appeal the decision of the Township Enforcement Officer to the Township Administrator within 10 days of receipt of such decision. The appeal shall be by written notice to appeal. The Township Administrator shall proceed to hear such appeal upon notice to the applicant within 30 days after the filing of such notice of appeal. The Township Administrator may, in his discretion and upon complete review of the application, and after hearing the testimony of the Township Enforcement Official and the applicant, reverse, modify or affirm the aforesaid decision

16.20.130 - Violations and penalties.

Each tree that is removed or cleared in violation of this section shall constitute a separate violation.

Any person convicted of a violation of any portion of this chapter shall be punishable by a fine not exceeding two thousand dollars (\$2,000.00), by imprisonment for a term not exceeding

**TOWNSHIP COMMITTEE
NOVEMBER 10, 2014 MINUTES**

ninety (90) days or by a period of community service not exceeding ninety (90) days or by both such fine and imprisonment or community service.

Section 2:

Continuation. In all other respects, the Development of the Township of Tewksbury shall remain unchanged.

Section 3:

Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Development Code as a whole, or any other part thereof.

Section 4.

Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 5.

Enactment. This Ordinance shall take effect after final passage, adoption, and publication by the Township Clerk of the Township of Tewksbury in the manner prescribed by law.

Shaun C. Van Doren
Mayor

• **Consent Agenda**

Mr. DiMare requested that the regular and executive session minutes of 10-28-14 be removed from the Consent Agenda and voted on separately.

Mr. Melick moved adoption of the Consent Agenda as amended, seconded by Ms. Desiderio. A roll call vote was taken and the motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

RESOLUTION #111-2014

**A RESOLUTION SETTING THE 2014 SALARIES AND WAGES FOR OFFICERS AND
EMPLOYEES OF THE TOWNSHIP OF TEWKSBURY**

BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the following salary and wage for the employee so stated is hereby set for the year 2014.

**TOWNSHIP COMMITTEE
NOVEMBER 10, 2014 MINUTES**

PUBLIC WORKS		
Adam Bergman	Police Officer Recruit	\$38,064.00 Effective 11-03-14

Shaun C. Van Doren
Mayor

RESOLUTION #112-2014

**AWARDING A CONTRACT FOR ROCK SALT THROUGH THE SOMERSET
COUNTY CO-OP**

WHEREAS, the Somerset County Co-Op received proposals to provide rock salt for the County and members of the Cooperative Pricing System, Bid #2-SOCCP, for the 2014/2015 season; and

WHEREAS, the Township of Tewksbury hereby authorizes the following agreement, Contract #CC-0054-14.

COMPANY	ITEM	PRICE/FOB
Atlantic Salt Inc. 134 Middle Street Suite 210 Lowell, MA 01852 978-453-4911 978-251-8244 (fax)	Rock Salt	60.93/ton

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey that the above noted contract be awarded.

Shaun C. Van Doren
Mayor

RESOLUTION #113-2014

**RESOLUTION OF THE TOWNSHIP OF TEWKSBURY DIRECTING
THE UNDERTAKING OF A CONTINUING DISCLOSURE REVIEW
AND AUTHORIZING PARTICIPATION IN THE MUNICIPALITIES
CONTINUING DISCLOSURE COOPERATION INITIATIVE OF THE
DIVISION OF ENFORCEMENT OF THE U.S. SECURITIES AND
EXCHANGE COMMISSION**

WHEREAS, the Township of Tewksbury (the "Governmental Entity") has entered into continuing disclosure agreement(s) in connection with certain of its prior bond and/or note

**TOWNSHIP COMMITTEE
NOVEMBER 10, 2014 MINUTES**

issuance(s) (the “Prior Issuances”), agreeing to file certain financial information and operating data and/or certain enumerated event notices with the former nationally recognized municipal securities information repositories or the Municipal Securities Rulemaking Board (the “MSRB”) pursuant to the provisions of Rule 15c2-12 of the Securities Exchange Act of 1934, as amended (the “Rule”); and

WHEREAS, the Governmental Entity has made certain representations regarding its continuing disclosures in bond and note offering documents in connection with its Prior Issuances; and

WHEREAS, in response to widespread concerns that many municipal issuers have not been complying with their obligations to file continuing disclosure documents under the Rule, and furthermore have made false representations concerning compliance in bond and note offering documents, the Division of Enforcement (the “Division”) of the U.S. Securities and Exchange Commission (the “Commission”) has set forth its Municipalities Continuing Disclosure Cooperation Initiative (the “MCDC Initiative”), attached hereto as Exhibit A, whereby the Commission will recommend favorable settlement terms to municipal issuers involved in the offer or sale of municipal securities, as well as underwriters of such offerings, if they self-report to the Division possible violations involving materially inaccurate statements in bond and note offering documents relating to prior compliance with continuing disclosure obligations pursuant to the Rule; and

WHEREAS, pursuant the Local Finance Notice 2014-9, attached hereto as Exhibit B, the Director of the Local Finance Board, Division of Local Government Services of the Department of Community Affairs of the State of New Jersey, has recommended the undertaking of a Review (as hereinafter defined) by all municipal issuers and participation in the MCDC Initiative, where appropriate, as determined by the facts of each Review (the “LFB Recommendation”);

NOW, THEREFORE, IN CONNECTION WITH THE LFB RECOMMENDATION, BE IT RESOLVED BY THE GOVERNMENTAL ENTITY, as follows:

Section 1. The Governmental Entity, through its Chief Financial Officer or through the engagement of a third-party disclosure-dissemination agent, is hereby directed to conduct a continuing disclosure review of its prior continuing disclosure undertakings (the “Review”), and the Governmental Entity hereby ratifies any such previously conducted Review. Such Review shall include, but is not limited to, a historical review of the Governmental Entity’s continuing disclosure obligations and filings in connection with its Prior Issuances that are presently outstanding and which are no longer outstanding but, as of the date five years prior to the date of submission of the Questionnaire (as hereinafter defined), were outstanding; and the undertaking, at any time, of any applicable remedial filings with the MSRB deemed necessary for compliance with its continuing disclosure obligations.

Section 2. The Governmental Entity, through its Chief Financial Officer, is hereby authorized to participate in the MCDC Initiative, if in the discretion of the Chief Financial Officer after consultation with Governmental Entity officials, it is determined that the Governmental Entity may have made materially inaccurate statements in its bond and note offering documents relating to prior compliance with continuing disclosure obligations pursuant to the Rule in

**TOWNSHIP COMMITTEE
NOVEMBER 10, 2014 MINUTES**

connection with its Prior Issuances issued during the period beginning five years prior to the date of submission of the Questionnaire.

Section 3. The Chief Financial Officer of the Governmental Entity is hereby authorized to execute and deliver any and all documents and instruments, including the Municipalities Continuing Disclosure Cooperation Initiative Questionnaire for Self-Reporting Entities contained in the MCDC Initiative (the "Questionnaire"), and to do and cause to be done any and all acts and things necessary or proper for participating in the MCDC Initiative and all related transactions, including the Review, contemplated by this resolution.

Section 4. All resolutions or proceedings, or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

Section 5. This resolution shall become effective in accordance with applicable law.

Shaun C. Van Doren
Mayor

RESOLUTION #114-2014

APPOINTING FUND COMMISSIONER TO STATEWIDE INSURANCE FUND

WHEREAS, the Township of Tewksbury (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Tewksbury that Jesse Landon is hereby appointed as the Fund Commissioner for the Local Unit for the year 2015; and

BE IT FURTHER RESOLVED that Marie Kenia is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the year 2015; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Name of Entity: Township of Tewksbury

Shaun C. Van Doren
Mayor

**TOWNSHIP COMMITTEE
NOVEMBER 10, 2014 MINUTES**

**RESOLUTION #115-2014
APPOINTING RISK MANAGEMENT CONSULTANT**

WHEREAS, the Township of Tewksbury (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the "Fund" has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of "Local Unit", in the County of Hunterdon and State of New Jersey, as follows:

1. The Township of Tewksbury hereby appoints Groendyke Associates as its local Risk Management Consultant.
2. The Township Administrator and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2015 in the form attached hereto.

Shaun C. Van Doren
Mayor

MISCELLANEOUS

- Claims as submitted by the CFO
- Correspondence List
- Authorization to have Mayor sign Tewksbury and Califon Interlocal Agreement for DPW Services

ITEMS REMOVED FROM THE CONSENT AGENDA

Dr. Voyce made a motion to adopt the regular and executive session minutes of 10-28-14, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, Melick, Van Doren, Voyce. Nays: none. Abstain: DiMare.

- Regular and E/S minutes of 10-28-14

ADDITIONAL ITEMS FOR APPROVAL

**TOWNSHIP COMMITTEE
NOVEMBER 10, 2014 MINUTES**

Mayor Van Doren noted a correction to be made on presented Resolution #116-2014.

Mr. DiMare made a motion to adopt Resolution #116-2014 as corrected, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None.

**RESOLUTION #116-2014
STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program in New Jersey, provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Tewksbury has previously obtained a loan and/or a grant of \$2,850.00 from the State to fund the following project (s):

Tewksbury Township Open Space Plan

WHEREAS, the State and the Township of Tewksbury intends to increase Green Acres funding by \$325,000.00; and

WHEREAS, the applicant is willing to use the State's funds in accordance with its rules, regulations and applicable statutes and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

NOW, THEREFORE, BE IT RESOLVED by the Township of Tewksbury that:

1. The Administrator of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Water Street and;
2. The applicant has its matching share of the project, if a match is required, in the amount of \$325,000.00.
3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project; and
4. The applicant agrees to all applicable federal, state and local laws, rules and regulations in its performance of the project.
5. This Resolution shall take effect immediately.

Shaun C. Van Doren
Mayor

Dr. Voyce made a motion authorizing the Clerk to sign the NJ State Firemen's Association for Matthew Brown to join the OFC, seconded by Ms. Desiderio. The motion was approved. Ayes: Desiderio, DiMare, Van Doren, Voyce. Nays: None. Abstain: Melick.

**TOWNSHIP COMMITTEE
NOVEMBER 10, 2014 MINUTES**

- Authorizing the Clerk to sign the NJ State Firemen's Association for Matthew Brown

Mayor Van Doren noted the item "l" from the Correspondence List referring to the proposed amendment to the County Water Control Management Plan. As the municipality has 60 days from the date of the letter (10/17/14) to respond, the matter can be further discussed at the upcoming work session meeting scheduled for 10-25-14.

It was suggested that the Township Engineer review the matter.

Item "m" from the Correspondence List was discussed regarding County administered Animal Control Officer (ACO) Services. Discussion followed regarding the proposed cost and the current ACO. It was the consensus of the Committee that the current ACO is working well and there is not an interest in joining into a County wide agreement.

Ms. Desiderio made a motion to advise the HC Department of Public Safety in response to their memo of 10-27-14 that the Township is not interested in joining into a County wide ACO agreement, seconded by Dr. Voyce. The motion was approved. Ayes: Desiderio, DiMare, Melick, Van Doren, Voyce. Nays: None

5. Reports

➤ **Township Committee Sub Committees & Township Committee Comments**

Mr. Melick stated that the part time DPW position is being advertised. Mr. Landon noted that it will run on the League of Municipalities web site for one month and a couple of resumes have been received.

Dr. Voyce reminded those present of Veterans Day and to take the time to thank a veteran for their service.

Mayor Van Doren noted that a finance committee meeting was held to review the budget and sewer accounts. He added that the sewer rate for Oldwick users will have to increase due to needed repair and maintenance issues: an authorizing Ordinance will need to be adopted. He added that the Hunter's Glen sewer fund is in good shape and the surcharge can be eliminated.

A 12/5/14 Land Use subcommittee meeting is scheduled for 2:00 pm. Chuck McGroarty will be in attendance to discuss the Highlands Ordinance.

➤ **Township Attorney**

Mr. Selvaggi noted communication he received via e-mail from Rick Ahsler, the attorney representing Stickel Properties. They are threatening a lawsuit regarding the Township's decision to withhold certificates of occupancy for homes being built on Still Hollow Road as it relates to ownership and maintenance of the detention basin.

He advised the Committee to wait and see what transpires, adding that subdivision approval runs with the property and the property owner did not do due diligence.

Mr. Selvaggi outlined the two different types of bonds related to a development- performance and maintenance bonds.

**TOWNSHIP COMMITTEE
NOVEMBER 10, 2014 MINUTES**

Relative to the threatened lawsuit, Mr. Selvaggi noted that the applicant is “in a tough spot” as properties on either side (of the detention basin) are sold.

Mr. Selvaggi stated that he would respond to Mr. Ashler and forward his response to the Committee. It was noted that all communication should be through attorneys and not to individual Committee members because of the threatened lawsuit.

Discussion followed regarding the fact that all information is a matter of public record and a final filed plat is available for inspection.

In response to a question from Mr. Melick, Mr. Selvaggi advised that the Township is not at fault for allowing two houses to be built.

Additional discussion followed regarding the steps needed to be taken prior to acceptance of the road.

Additional discussion followed regarding ownership of the properties and how the original subdivision was sold to individual developers. Further comments were made regarding the amount left in the above mentioned bonds and if sufficient funds were available to complete the road way.

Mr. Melick advised that a time limit related to ownership/development issues by put in place for future developments.

In response to a question from Mayor Van Doren, Mr. Selvaggi opined that a special assessment could not be levied on the property owners. It was noted that the Township does not currently plow the roadway.

The following discussion dealt with the vacation of Flint Hill Road and the metes and bounds description.

The Township Engineer sent out a surveyor and it was determined that the road description is accurate but does not match with adjacent properties. The area in question is a small gore that does not affect the vacation and ownership of the road.

Mr. Selvaggi suggested the most efficient way to address the matter is to amend the tax map to note the property owner of the gore as being “unknown” as there should be no corresponding consequence. He added that there may well be others in the Township.

In response to a question from Mr. DiMare, Mr. Selvaggi noted that amending the tax map would not change anyone’s tax rate as the gore is not on anyone’s deed. He surmised that over time, the gore became part of the road as the Homestead/Flint Hill Road intersection changed with traffic patterns. He added that if the applicant wishes to amend their deed, they could do so on their own.

In response to a question from Mayor Van Doren, it was noted that amending the tax map and associated professionals costs would come from the escrow account set up by the applicant and if additional fees were needed, a bill would be submitted.

**TOWNSHIP COMMITTEE
NOVEMBER 10, 2014 MINUTES**

Mr. Selvaggi surmised that the Fair Share Housing Center's motion to "neuter" COAH was done for "political theater" as the relief sought is likely to be found unconstitutional.

➤ **Township Administrator**

Mr. Landon noted that he has spoken with Highlands staff regarding the Wastewater Management Plan and associated expenditures and fund balance.

The newly hired Police Officer, Adam Bergman will be in attendance at the 11/25/14 meeting to be formally sworn in.

The upcoming Committee meeting is scheduled to commence at 7:00 pm to review the performance of the Township Engineer who will be in attendance. During the course of that meeting, road planning will be discussed. It was suggested that the DPW Superintendent be in attendance.

6. Adjournment

There being no further business, the meeting was adjourned at 8:07 PM.

Roberta A. Brassard
Municipal Clerk